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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COPY

TIMOTHY J. RYAN and
CHRISTINE A. RYAN,

Plaintiffs,

Case No. 1:03-cv-439

v.

HON. DAVID W. McKEAGUE

ADELE MCGINN-LOOMIS and
MARY BENEDICT,

Defendants.

ORDER FOR SUPPLEMENTAL BRIEFING

Defendants Adele McGinn-Loomis and Mary Benedict having moved the Court to dismiss plaintiff's complaint under Fed. R. Civ. P. 12(b)(1) and 12(b)(6); and

The Court having conducted a hearing on the motions on November 24, 2003 and having determined it appropriate to consider matters outside the pleadings; and

The Court finding that limited discovery and supplemental briefing is appropriate before the Court rules on the motions;

Now therefore, and for the reasons more fully set forth on the record during the hearing,

IT IS HEREBY ORDERED:

1. That defendants' motions to dismiss, which shall be treated pursuant to Fed. R. Civ. P. 12(c), as motions for summary judgment under Fed. R. Civ. P. 56, are **TAKEN UNDER ADVISEMENT**;

2. That plaintiffs are **GRANTED LEAVE** to amend their complaint, so as to state their claims under 42 U.S.C. § 1983 more particularly, not later than December 8, 2003;

3. That the parties shall undertake discovery limited to the question whether and how defendant McGinn-Loomis, in conspiracy with defendant Benedict, acted under color of state law, and shall complete such limited discovery by **February 1, 2004**;

4. That the parties shall file supplemental briefs in support of and opposition to the pending motions to dismiss not later than **March 1, 2004**, and briefs in response to the supplemental briefs not later than **March 10, 2004**; and

5. That a second hearing on the supplemented motions to dismiss shall be conducted by the undersigned in Lansing on **April 5, 2004 at 10:00 a.m.**

Dated: November 25, 2003

/s/ David W. McKeague
DAVID W. McKEAGUE
UNITED STATES DISTRICT COURT

TRUE COPY
SIGNED ORIGINAL FILED
ELECTRONICALLY
Ronald C. Weston, Sr., Clerk